

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

FILED

DIVISION

2012 OCT 12 PM 1:19

Linda S. Brown  
1515 Monticello Ave  
Madison, Tn. 37115  
Name of Plaintiff

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

v.

Cape Environmental Management  
Cape, Inc.  
205 A Industrial Parkway  
Saraland, Al. 36571  
Name of Defendant(s)

Case No. \_\_\_\_\_  
(To be assigned by Clerk)

Jury Demand ☐ Yes ☐ No

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991, for employment discrimination. Jurisdiction is specifically conferred upon the Court by 42 U.S.C. § 2000e-5, or, if the Plaintiff is a federal employee, by 42 U.S.C. § 2000e-16. Relief is sought under 42 U.S.C. § 2000e-5(g) and/or 42 U.S.C. § 1981a(b).

2. Plaintiff, Linda S. Brown, is a citizen of the United States and resides at

1515 Monticello Ave, Madison,  
Street address City

Davidson, Tn., 37115, 615-405-5106  
County State Zip Code Telephone Number

3. Defendant, Cape Environmental Management  
Cape Inc. resides at, or its business is located at

205 A Industrial Parkway, Saraland,  
Street address City

Dauphin, Al., 36571  
County State Zip Code

(If more than one Defendant, list the name and address of each additional Defendant)

A series of dark, dense, and somewhat chaotic scribbles made with a pen or marker on lined paper. The scribbles are arranged in three horizontal rows, each row containing several overlapping loops and swirls. The lines of the paper are visible through the scribbles.

4. project site

Plaintiff sought employment from the Defendant or was employed by the Defendant at

Motiva Enterprises Centennial Blvd Nashville

Davidson, Tn.  
County State Zip Code

5. Defendant discriminated against Plaintiff in the manner indicated in paragraphs 8 and 9 of this Complaint on or about September, Oct. 0 2010.

about September, Oct. 0 2010  
(started) Month Day, Year

6. Plaintiff filed charges against the Defendant with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission charging the Defendant with the acts of discrimination indicated in paragraphs 8 and 9 of this Complaint on or about

Month Oct. Day 24 Year 2011

7. The Equal Employment Opportunity Commission or the United States Department of Justice issued a Notice of Right to Sue which was received by Plaintiff on August 15, 2015.

3 2012, a copy of which Notice is attached.  
Day Year

8. Because of Plaintiff's (1) \_\_\_\_\_ race, (2) \_\_\_\_\_ color, (3) \_\_\_\_\_ sex,

(4) religion, (5) national origin, the Defendant:

could not conclude. I have documentation  
to the age, sex, pay, retaliation.  
But right to sue

- a. \_\_\_\_\_ failed to employ Plaintiff.
- b. \_\_\_\_\_ terminated Plaintiff's employment.
- c. ☒ failed to promote Plaintiff. / Training
- d. ☒ retaliated against Plaintiff for having filed a charge of discrimination.
- e. ☒ other. Explain: discriminated against on

the basis of my age / sex / female, and  
 retaliated for making complaints <sup>discrimination</sup> Age Act  
 of 1967 as amended, and Title VII of the Civil rights  
 Act of 1964 as Amended, Lilly Ledbetter Act, Safety issues  
 Retaliated against cuts in per diem and working / unsafe working Environment  
 The circumstances under which Defendant discriminated against Plaintiff were as follows:  
 Filing with EEOC mentioning discrimination in Sept. 2010 & beginning Oct. 2010 filed Oct 2011  
 pay, failed equal pay with Jobs, hired younger  
 less experience males on labor pay, Firewatch,  
 holewatch positions, also Training and promotion  
 denied, Employer is a federal Contractor makes  
 employees work off clock, denied benefits,  
 males receiving, 7 different States ongoing Discrimination  
 Safety issues, retaliation, lack of training, pay because I am female!!  
 (You may use additional paper, if necessary.)


9. The acts set forth in paragraph 8 of this Complaint:


- a. ☒ are still being committed by Defendant. Safety Issues on  
 Jobsites also
- b. \_\_\_\_\_ are no longer being committed by Defendant.
- c. \_\_\_\_\_ may still be being committed by Defendant.


11. Plaintiff attaches to this Complaint a copy of the charges filed with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission, which charges are submitted as a brief statement of the facts supporting this Complaint.

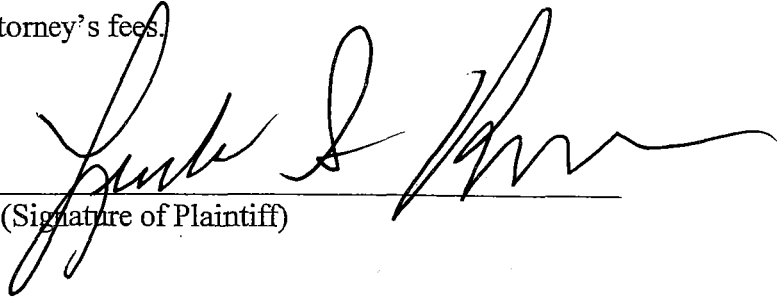
**WHEREFORE**, Plaintiff prays that the Court grant the following relief:

- a. \_\_\_\_\_ direct that Defendant employ Plaintiff, or
- b. \_\_\_\_\_ direct that Defendant re-employ Plaintiff, or
- c. \_\_\_\_\_ direct that Defendant promote Plaintiff, or
- d. ☒ order other equitable or injunctive relief: Stop discrimination

 e. ☒ direct that Defendant pay Plaintiff back pay in the amount of \_\_\_\_\_ and interest on back pay;

 f. ☒ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: \_\_\_\_\_

 g. ☒ direct that Defendant pay Plaintiff punitive damages in the amount of \_\_\_\_\_ because Defendant engaged in a discriminatory practice or practices with malice or with reckless indifference to Plaintiff's federally protected rights, as described in paragraphs 8 and 9 above; and that the Court grant such other relief as may be appropriate, including costs and attorney's fees.

  
(Signature of Plaintiff)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**494-2012-00121**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Linda S. Brown**

Home Phone (Incl. Area Code)

**(615) 405-5106**

Date of Birth

**05-26-1963**

Street Address

City, State and ZIP Code

**1515 Monticello Avenue, Madison, TN 37115**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**CAPE, INC.**

No. Employees, Members

**201 - 500**

Phone No. (Include Area Code)

**(251) 675-7310**

Street Address

City, State and ZIP Code

**205A Industrial Parkway, Saraland, AL 36571**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☒ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**03-01-2011****10-24-2011**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am a 48 year old female. I have been employed by the Respondent since approximately August 25, 2010 in a variety of positions including Hole Watch, Labor, and Fire Watch positions. I have been assigned to several different sites in different states throughout my employment. In approximately March, 2011, I learned that I was being paid less than the 2 younger men on my job site performing the same Hydro Labor duties. This disparity in pay has been continuous at different sites and different jobs. I have complained repeatedly but the disparity has not been corrected. I have also never been sent to government contract jobs which pay more, never sent to the shop, not trained in other positions, and not allowed to drive a company truck. In retaliation for my complaints, I have been denied mileage and per diem pay.

I believe that I have been discriminated against on the basis of my age/48, sex/female, and retaliated against for making complaints, in violation of the Age Discrimination in Employment Act of 1967, as amended, and Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

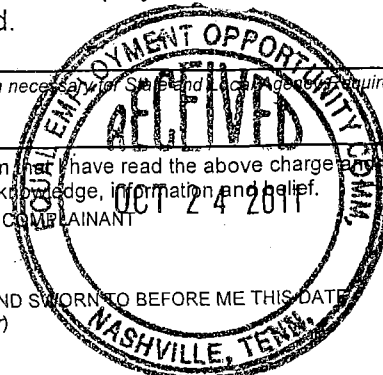
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**Oct 24, 2011**

Date

Charging Party Signature



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Linda S. Brown  
1515 Monticello Avenue  
Madison, TN 37115

From: Birmingham District Office  
Ridge Park Place  
1130 22nd Street  
Birmingham, AL 35205



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

494-2012-00121

Arthur L. Sanders,  
Investigator

(205) 212-2058

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

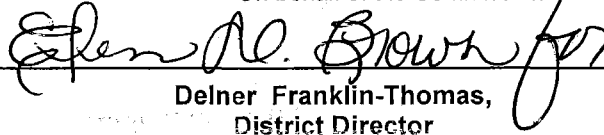
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

  
Delner Franklin-Thomas,  
District Director

AUG - 3 2012

Enclosures(s)

(Date Mailed)

cc: CAPE, INC.  
c/o Kimberly Q. Cacheris, Esquire  
McGuire & Woods  
201 North Tryon Street  
Charlotte, NC 28202